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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/625,721
Filing Date: July 24, 2003
Appellant(s): CHEVANNE ET AL.

Falk Ewers
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 29, 2009 appealing from the Office action mailed October 7, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0069848	LARSON ET AL	4-2003
2003/0217110	WEISS	11-2003
5,907,696	STILWELL	5-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

   (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-9, 13-23, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al (US Pub. No. 2003/0069848), hereafter "Larson," in view of Weiss (US Pub. No. 2003/0217110), hereafter Weiss.

3. As to claim 1, Larson discloses a data processing device comprising:

processing means for receiving, from an equipment in a communications network, primary data defining events in at least one primary format ([0129], lines 4-8, problematic device (equipment) generates SNMP trap (primary data defining event in primary format) and NMS system receives it (means for receiving)) and

delivering to a management device in said network secondary data defining alarms representing said events, in a secondary format ([0129], lines 9-16, NMS system delivers to application server (management device) XML file (secondary format) representing said events), wherein said processing means comprise an interpreter provided with a plurality of conversion rules, arranged in the form of scripts that are interpreted by the interpreter and are associated with at least one primary event formats ([0129], lines 9-16, NMS system runs scripts to convert SNMP traps to XML message), and

arranged so as to convert, by means of said rules, primary data received in one of said primary formats into secondary data in said secondary format which can be processed by said management device ([0129], lines 9-16).

But, Larson does not disclose the plurality of conversion rules associated with a plurality of different event formats and each of the plurality of different primary even formats corresponds to a particular script. Rather, the conversion is one-to-one occurring from SNMP to XML.

However, Weiss discloses a plurality of conversion rules associated with a plurality of different event formats ([0094], different event formats being an Internet telephony connection attempt, receipt of an IM message, etc.) and each of the plurality of different primary event formats corresponds to a particular script ([0098], each event needs only one script and different events will have their own scripts).

Because both Larson and Weiss teach methods of converting events, it would have been obvious to one skilled in the art to substitute one method for the other to achieve the predictable result of being able to convert a plurality of event formats via a common used practice in the art; scripts that correspond to that particular event format as disclosed in Weiss.

4. As to claim 14 and 15, they are rejected by the same rationale set forth in claim 1's rejection.

5. As to claims 2 and 16, Larson and Weiss disclose the invention with regard to the parent claim, and further disclose wherein said interpreter is arranged to make said conversions into a secondary configuration file format by means of an interpreted language (Larson, [0129], lines 9-16, "PERL").

6. As to claims 3 and 17, Larson and Weiss disclose the invention substantially with regard to the parent claims 2 and 16 above, and further disclose said secondary configuration file format is XML (Larson, [0129], lines 9-16).

7. As to claims 4 and 18, Larson and Weiss disclose the invention substantially with regard to the parent claims 2 and 16 above, and further disclose said interpreted language is selected from a group consisting of JavaScript, VisualBasic, TCL, Perl and Python (Larson, [0129], lines 9-16).

8. As to claims 5 and 19, Larson and Weiss disclose the invention with regard to the parent claim, and further disclose wherein, when there are primary data associated respectively with event identifiers, said interpreter is arranged to store at least some of said rules in correspondence with known event identifiers (Larson, [0129], lines 8-9, "Depending on the event").

9. As to claims 6 and 20, Larson and Weiss disclose the invention with regard to the parent claim, and further disclose wherein said interpreter is arranged to store at least one conversion rule defining a default script intended for the primary data associated with an unknown event identifier (Larson, [0129], lines 9-16, discloses scripts).

10. As to claims 7 and 21, Larson and Weiss disclose the invention with regard to the parent claim, and further disclose wherein said interpreter is arranged to deduce alarm parameters from certain primary data received, so as to deliver a parameterized alarm to said management device (Larson, [0129], lines 9-16).

11. As to claims 8 and 22, Larson and Weiss disclose the invention with regard to the parent claim, and further disclose wherein said interpreter is arranged to deliver to said management device alarms parameterized by hard-coded values (Larson, [0129], lines 9-16).

12. As to claims 9 and 23, Larson and Weiss disclose the invention with regard to the parent claim, and further disclose wherein said interpreter is arranged to deliver to said management device alarms parameterized by values extracted from said primary data (Larson, [0129], lines 9-16).

13. As to claims 13 and 27, Larson and Weiss disclose the invention with regard to the parent claim, and further disclose wherein said primary data are received in primary formats of the SNMP type (Larson, [0129], lines 9-16).

14. As to claim 28, Larson and Weiss disclose the invention with regard to the parent claim, and further disclose use of the data processing method as claimed in claim 15 in network technologies which have to be managed (Larson, Abstract).

15. As to claim 29, Larson and Weiss disclose the invention with regard to the parent claim, and further disclose the communications network is one of: WDM network, a SONET network, an SDH network, an IP network, an ATM network, mobile and an NGN network (Larson, [0038]).

16. Claims 10-12, 24-26, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson and Weiss as applied to claims 7 and 21 above, and further in view of Stilwell et al (US Pat. 5,907,696), hereafter "Stilwell."

17. As to claims 10 and 24, Larson and Weiss discloses the invention substantially with regard to the parent claims 7 and 21, and further discloses when the alarm state of an item of equipment in the network is unknown, said interpreter is arranged to extract from said equipment chosen information able to allow said alarm state (Larson, [0129], lines 9-16).

But, Larson does not disclose simulating the sending of SNMP traps (primary data), so as to generate an alarm intended to indicate to the management device the alarm state of said equipment.

However, Stilwell discloses simulating the sending of SNMP traps (primary data), so as to generate an alarm intended to indicate to the management device the alarm state of said equipment (Abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Larson and Weiss with Stilwell in order to ease the burden of the user by allowing them to test the inter-operability of one computer device with other devices to confirm the one device functions as intended (Stilwell, column 2, lines 37-45).

18. As to claims 11 and 25, Larson, Weiss, and Stilwell disclose the invention substantially with regard to the parent claims 10 and 24, and further disclose wherein said interpreter is arranged to deliver to said management device alarms parameterized by values extracted from the equipment from which it has received the primary data (Larson, [0129], lines 9-16).

19. As to claims 12 and 26, Larson, Weiss, and Stilwell disclose the invention substantially with regard to the parent claims 10 and 24, and further disclose wherein said interpreter is arranged to extract said information or values from a management information base of the equipment concerned (Larson, [0129], lines 9-16).

20. As to claims 31 and 33, Larson, Weiss, and Stilwell disclose the invention substantially with regard to the parent claims 10 and 24, and further disclose said chosen information resides in a management information base of said equipment concerned (Larson, [0129], lines 9-16).

21. As to claims 32 and 34, Larson, Weiss, and Stilwell disclose the invention substantially with regard to the parent claims 10 and 24, and further disclose the alarm state of said equipment is synchronized or resynchronized using said extracted chosen information (Larson, [0129], lines 9-16).

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

(1) The appellant argues that the proposed combination of Larson and Weiss in the 35 USC 103(a) rejections of the independent claims is improper. Specifically, the appellant contends Larson relates to the management of a complex computer network in a business environment with a variety of different network components being typically manufactured by different manufacturers requiring constant monitoring, whereas Weiss is not intended to be used in a workplace environment in which network management systems (such as those taught by Larson) are used. Therefore, the appellant concludes

a person of ordinary skill in the art would not have substituted a method of Larson for another of Weiss to achieve the predictable results, alleged by the examiner.

In reply to (1), the examiner notes the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In this case, Larson discloses processing means comprise an interpreter provided with a plurality of conversion rules, arranged in the form of scripts that are interpreted by the interpreter and are associated with at least one primary event formats ([0129], lines 9-16, NMS system runs scripts to convert SNMP traps to XML message) and Weiss discloses a plurality of conversion rules associated with a plurality of different event formats ([0094], different event formats being an Internet telephony connection attempt, receipt of an IM message, etc.) and each of the plurality of different primary even formats corresponds to a particular script ([0098], each event needs only one script and different events will have their own scripts). Because both Larson and Weiss teach methods of converting events and network management, it would have been obvious to one skilled in the art to substitute one method for the other to achieve the predictable result of being able to convert a plurality of event formats via a common used practice in the art; scripts that correspond to that particular event format as

disclosed in Weiss. See recent Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, 550 U.S.--, 82 USPQ2d 1385 (2007) for support of the above rationale (applying a known technique to a known device, method, or product ready for improvement to yield predictable results).

That is, in response to the applicant's specific arguments, Larson broadly deals with and its principle operation is to controlling and managing devices on a computer network (see, for example, Title, Abstract, and claims). The appellant's characterization of the Larson reference as managing only complex computer networks in a business environment with a variety of different network components is drawn from exemplary embodiments and fails to appreciate what would have been suggested by the teachings to one of ordinary skill in the art. Specifically, one of ordinary skill and the inventors of the Larson system would not have limited the functionalities so narrowly as the appellant has framed it (again, see the claims, e.g. claim 1, "A method of managing a least part of a computer network, the method comprising...").

Therefore, the examiner maintains the one of ordinary skill would still have been motivated and able to combine the teachings of Larson and Weiss as elaborated on above, since such a combination would not have changed the principle operation of either of the inventions or rendered them inoperable for their intended purpose.

(2) The appellant argues with respect to the independent claims that the if one would substitute the scripts in Larson with the scripts of Weiss, the combination would fail to teach, as recited in the claim 1, "a plurality of conversion rules, arranged in the

form of scripts that are interpreted by the interpreter and are associated with a plurality of different primary event formats, and arranged so as to convert, by means of said rules, primary data received in one of said primary formats into secondary data in said secondary format." Specifically, the appellant alleges in order to be able to use a script to convert data of one format into another format, a person of ordinary skill in the art would have known that such a script needs to contain conversion rules which, when applied to input data, create some kind of output data, the output data having a different format. The appellant concludes that the scripts in Weiss do not contain "conversion rules" and simply contain a line executing an alarm script, and therefore does not convert data of one format into data of another format.

In reply to (2), the "conversion rules" are simply arranged in the form of scripts and even when described in the appellant's specification they are just contained within the scripts themselves (see page 7, lines 17-21, "More precisely, to each primary format there corresponds a particular scripts (or conversion rule or rules)"). That is, since both Weiss and Larson disclose scripts, they disclose conversion rules (i.e., the contents or code of the script).

In regards to Weiss converting input data from one format to another via a script (and therefore "conversion rules"), Weiss discloses such in [0094] (e.g. an Internet telephony connection is generated by one application and would have its own format, and an instant message request would be by another application that would have its own format) and [0096] (the previously mentioned events each have a corresponding

script file which would convert the event to a corresponding alarm, i.e. the alarm is a different format then the original event, hence the need for the script). Further, the appellant's characterization of Weiss's alarm scripts as simply a line is inaccurate, as Weiss envisions a variety of outcomes for alarms, besides audio signals (see Weiss, [0092], where "visual signals" are included as well as dialing telephone numbers and delivering messages; i.e. scripts to execute such embodiments would require more then simply "a line").

(3) The appellant argues with respect to the independent claims that Weis does not teach a plurality of conversion rules associated with a plurality of different primary event formats. Specifically, the appellant alleges there is clearly a difference between an event and data, such as a notification message, associated with the event and therefore, the event itself does not constitute data having an event format.

In reply to (3), the examiner maintains that Weiss discloses a plurality of conversion rules associated with a plurality of different event formats ([0094], different event formats being an Internet telephony connection attempt, receipt of an IM message, etc.) and each of the plurality of different primary event formats corresponds to a particular script ([0098], each event needs only one script and different events will have their own scripts). That is, it is unclear what precludes an event from being in an event format and having data; inherently, an event must be in a format and will have its own data.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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/T. J. D./

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